

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

1

1

1

1

1

1

1 B. The provisions of this act, except as specifically limited
2 herein, shall apply to the intrastate transportation of household
3 goods by motor carriers over public highways of this state; and the
4 regulations of such transportation, and the procurement thereof and
5 the provisions of facilities therefor, are hereby vested in the
6 ~~Corporation Commission~~ Department of Public Safety.

7 Shipments contracted by the federal government, a state
8 government, a tribal government or any local government or political
9 subdivision thereof shall not be required to obtain a household
10 goods certificate, but shall be regulated by the ~~Commission~~
11 Department to achieve compliance with safety requirements and size
12 and weight limitations.

13 Nothing in this act shall be construed to interfere with the
14 exercise by agencies of the government of the United States of its
15 power of regulation of interstate commerce.

16 C. As used in this act:

17 1. ~~"Commission"~~ "Department" means the ~~Corporation Commission~~
18 Department of Public Safety;

19 2. "Corporate family" means a group of corporations consisting
20 of a parent corporation and all subsidiaries in which the parent
21 corporation owns directly or indirectly one hundred percent (100%)
22 interest;

23 3. "Household goods" means used personal effects and property
24 of a dwelling;

1 4. "Household goods certificate" means a certificate of
2 authority issued by the ~~Corporation Commission~~ Department of Public
3 Safety to transport household goods within this state;

4 5. "Intercompany hauling" means the transportation of
5 household goods, by motor vehicle, for compensation, by a carrier
6 which is a member of a corporate family, as defined in this section,
7 when the transportation for compensation is provided for other
8 members of the corporate family;

9 6. "Motor carrier of household goods" means a person
10 transporting household goods for compensation or other
11 consideration, with an origin and destination within this state;

12 7. "Motor vehicle" means any automobile, truck, truck-tractor,
13 trailer or semitrailer or any motor bus or self-propelled vehicle
14 not operated or driven upon fixed rails or tracks;

15 8. "Person" means any individual, firm, copartnership, limited
16 partnership, corporation, limited liability corporation, company,
17 association, or joint-stock association and includes any trustee,
18 receiver, assignee, or personal representative thereof; and

19 9. "Public highway" means every public street, road, highway,
20 or thoroughfare in this state, used by the public, whether actually
21 dedicated to the public and accepted by the proper authorities or
22 otherwise.

23 D. The terms and provisions of this act shall apply to commerce
24 with foreign nations, or commerce among the several states of this

1 Union, insofar as such application may be permitted under the
2 provisions of the Constitution of the United States and the Acts of
3 Congress.

4 SECTION 2. AMENDATORY 47 O.S. 2011, Section 162, is
5 amended to read as follows:

6 Section 162. A. The ~~Corporation Commission~~ Department of
7 Public Safety is authorized to:

8 1. Supervise and regulate every motor carrier of household
9 goods;

10 2. Protect the shipping and general public by requiring
11 liability insurance and cargo insurance of all motor carriers of
12 household goods;

13 3. Ensure motor carriers of household goods are complying with
14 applicable size and weight laws and safety requirements;

15 4. Supervise and regulate such motor carriers in all other
16 matters affecting the relationship between such carriers and the
17 traveling and shipping public including, but not limited to,
18 consumer protection measures and loss and damage claim procedures;
19 and

20 5. Enforce the provisions of this act.

21 B. The ~~Commission~~ Department is authorized to promulgate rules
22 applicable to persons transporting household goods.

23 C. 1. The ~~Commission~~ Department is authorized to administer a
24 hazardous material transportation registration and permitting

1 program for motor carriers engaged in transporting hazardous
2 material upon or over the public highways and within the borders of
3 the state.

4 2. The ~~Commission~~ Department shall promulgate rules
5 implementing the provisions of this subsection. Rules promulgated
6 pursuant to this subsection shall be consistent with, and equivalent
7 in scope, coverage, and content to requirements applicable to
8 operators of vehicles transporting hazardous materials contained in
9 the report submitted to the Secretary of the United States
10 Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the
11 Alliance for Uniform Hazardous Material Transportation Procedures.

12 D. Nothing in this section shall be construed to remove or
13 affect the jurisdiction of the Department of Environmental Quality
14 to implement hazardous waste transportation requirements for federal
15 hazardous waste program delegation to this state under the federal
16 Resource Conservation and Recovery Act.

17 E. The ~~Commission~~ Department is authorized to promulgate rules
18 and set fees applicable to interstate motor carriers, pertaining to
19 carrier registration, operation of equipment and filing of proper
20 proof of liability insurance.

21 SECTION 3. AMENDATORY 47 O.S. 2011, Section 162.1, is
22 amended to read as follows:

23 Section 162.1. The ~~Corporation-Commission~~ Department of Public
24 Safety is authorized to promulgate rules necessary to enable this

1 state to participate in the Unified Carrier Registration System for
2 interstate motor carriers, brokers, forwarders and leasing companies
3 and interstate motor carriers holding intrastate authority as set
4 forth in the Safe, Accountable, Flexible, Efficient Transportation
5 Equity Act: A Legacy for Users (SAFETEA-LU), Subtitle C-Unified
6 Carrier Registration Act of 2005.

7 SECTION 4. AMENDATORY 47 O.S. 2011, Section 163, is
8 amended to read as follows:

9 Section 163. A. No person shall transport household goods for
10 compensation or other consideration in intrastate commerce without a
11 valid certificate issued by the ~~Corporation Commission~~ Department of
12 Public Safety.

13 B. The ~~Commission~~ Department shall promulgate rules ensuring
14 consumer protection and loss and damage claim procedures.

15 C. Every motor carrier, subject to this act, receiving
16 household goods for transportation in intrastate commerce shall
17 issue a receipt or bill of lading therefor, the form of which shall
18 be prescribed by the ~~Commission~~ Department.

19 D. Record-keeping documents, as required by the ~~Commission~~
20 Department, shall be maintained by the motor carrier of household
21 goods for a minimum of three (3) years. The ~~Commission~~ Department
22 is authorized to require certain documents to be retained for a
23 longer period of time pending a claim for any other reason the
24 ~~Commission~~ Department deems necessary.

1 E. Any person, motor carrier, or shipper who shall willfully
2 violate any provision of this act or the ~~Commission's~~ Department's
3 rules pursuant thereto may be found in violation by the ~~Commission~~
4 Department. After proper notice and hearing, violators may be
5 assessed penalties in an amount not to exceed One Thousand Dollars
6 (\$1,000.00) for the first violation and for the second violation
7 within a year a penalty not to exceed Five Thousand Dollars
8 (\$5,000.00).

9 SECTION 5. AMENDATORY 47 O.S. 2011, Section 165, is
10 amended to read as follows:

11 Section 165. A. Upon the filing of an application to operate
12 as a motor carrier of household goods, the applicant shall pay to
13 the ~~Corporation-Commission~~ Department of Public Safety a filing fee
14 as set by ~~Commission~~ Department rule.

15 B. Upon the filing by an interstate motor carrier of an
16 application to register interstate authority, or supplement thereto,
17 the applicant shall pay the ~~Commission~~ Department a filing fee as
18 established by the ~~Commission~~ Department and in full compliance with
19 applicable federal laws.

20 C. The ~~Commission~~ Department shall, upon the receipt of any
21 such fee, deposit the same in the State Treasury to the credit of
22 the ~~Corporation-Commission~~ Department of Public Safety Revolving
23 Fund.
24

SECTION 6. AMENDATORY 47 O.S. 2011, Section 166, is

amended to read as follows:

Section 166. A. It is hereby declared unlawful for any person to transport household goods in intrastate commerce without a valid certificate issued by the ~~Corporation Commission~~ Department of Public Safety.

B. Motor carriers engaged in intercorporate hauling must obtain a certificate in the motor carrier's name.

C. Applicants for intrastate authority to transport household goods shall file an application as required by this act and as prescribed by the ~~Commission~~ Department. A household goods certificate shall be issued to the applicant upon completion of all requirements.

D. The ~~Commission~~ Department may consider any written protests or written complaints filed prior to granting or renewing a household goods certificate. If the ~~Commission~~ Department elects not to grant or renew a household goods certificate, the application shall be set for public hearing in accordance with ~~Commission~~ Department rules.

E. Household goods certificates may not be assigned or transferred.

F. The ~~Commission~~ Department shall exercise any additional power that may from time to time be conferred upon the state by any Act of Congress.

1 G. The ~~Commission~~ Department shall adopt rules prescribing the
2 manner and form in which motor carriers shall apply for a household
3 goods certificate.

4 SECTION 7. AMENDATORY 47 O.S. 2011, Section 166.5, is
5 amended to read as follows:

6 Section 166.5. If ~~this act~~ Section 166.1 et seq. of this title
7 or the Motor Carrier Act of 1995 or any provision hereof is, or may
8 be deemed to be, in conflict or inconsistent with any of the
9 provisions of Section 18 through Section 34, inclusive, of Article
10 IX of the Constitution of the State of Oklahoma, then, to the extent
11 of any such conflicts or inconsistencies, it is hereby expressly
12 declared that this entire act and this section are amendments to and
13 alterations of the sections of the Constitution, as authorized by
14 Section 35 of Article IX of ~~said~~ the Constitution.

15 SECTION 8. AMENDATORY 47 O.S. 2011, Section 166a, is
16 amended to read as follows:

17 Section 166a. A. As used in this section:

18 1. "Authorized carrier" means a motor carrier of household
19 goods;

20 2. "Equipment" means a motor vehicle, straight truck, tractor,
21 semitrailer, full trailer, any combination of these and any other
22 type of equipment used by authorized carriers in the transportation
23 of household goods;

1 3. "Owner" means a person to whom title to equipment has been
2 issued, or who, without title, has the right to exclusive use of
3 equipment for a period longer than thirty (30) days;

4 4. "Lease" means a contract or arrangement in which the owner
5 grants the use of equipment, with or without driver, for a specified
6 period to an authorized carrier for use in the regulated
7 transportation of household goods in exchange for compensation;

8 5. "Lessor", in a lease, means the party granting the use of
9 equipment with or without driver to another;

10 6. "Lessee", in a lease, means the party acquiring the use of
11 equipment with or without driver from another;

12 7. "Addendum" means a supplement to an existing lease which is
13 not effective until signed by the lessor and lessee; and

14 8. "Shipper" means a person who sends or receives household
15 goods which are transported in intrastate commerce in this state.

16 B. An authorized carrier may perform authorized transportation
17 in equipment it does not own only under the following conditions:

18 1. There shall be a written lease granting the use of the
19 equipment and meeting the requirements as set forth in subsection C
20 of this section;

21 2. The authorized carrier acquiring the use of equipment under
22 this section shall identify the equipment in accordance with the
23 ~~Commission's~~ Department's requirements; and

1 3. Upon termination of the lease, the authorized carrier shall
2 remove all identification showing it as the operating carrier before
3 giving up possession of the equipment.

4 C. The written lease required pursuant to subsection B of this
5 section shall contain the following provisions. The required lease
6 provisions shall be adhered to and performed by the authorized
7 carrier as follows:

8 1. The lease shall be made between the authorized carrier and
9 the owner of the equipment. The lease shall be signed by these
10 parties or by their authorized representatives;

11 2. The lease shall specify the time and date or the
12 circumstances on which the lease begins and ends and include a
13 description of the equipment which shall be identified by vehicle
14 serial number, make, year, model and current license plate number;

15 3. The period for which the lease applies shall be for thirty
16 (30) days or more when the equipment is to be operated for the
17 authorized carrier by the owner or an employee of the owner;

18 4. The lease shall provide that the authorized carrier lessee
19 shall have exclusive possession, control and use of the equipment
20 for the duration of the lease. The lease shall further provide that
21 the authorized carrier lessee shall assume complete responsibility
22 for the operation of the equipment for the duration of the lease;

23 5. The amount to be paid by the authorized carrier for
24 equipment and driver's services shall be clearly stated on the face

1 of the lease or in an addendum which is attached to the lease. The
2 amount to be paid may be expressed as a percentage of gross revenue,
3 a flat rate per mile, a variable rate depending on the direction
4 traveled or the type of commodity transported, or by any other
5 method of compensation mutually agreed upon by the parties to the
6 lease. The compensation stated on the lease or in the attached
7 addendum may apply to equipment and driver's services either
8 separately or as a combined amount;

9 6. The lease shall clearly specify the responsibility of each
10 party with respect to the cost of fuel, fuel taxes, empty mileage,
11 permits of all types, tolls, detention and accessorial services,
12 base plates and licenses, and any unused portions of such items.
13 Except when the violation results from the acts or omissions of the
14 lessor, the authorized carrier lessee shall assume the risks and
15 costs of fines for overweight and oversize trailers when the
16 trailers are preloaded, sealed, or the load is containerized, or
17 when the trailer or lading is otherwise outside of the lessor's
18 control, and for improperly permitted over-dimension and overweight
19 loads and shall reimburse the lessor for any fines paid by the
20 lessor. If the authorized carrier is authorized to receive a refund
21 or a credit for base plates purchased by the lessor from, and issued
22 in the name of, the authorized carrier, or if the base plates are
23 authorized to be sold by the authorized carrier to another lessor,
24 the authorized carrier shall refund to the initial lessor on whose

1 behalf the base plate was first obtained a prorated share of the
2 amount received;

3 7. The lease shall specify that payment to the lessor shall be
4 made by the authorized carrier within fifteen (15) days after
5 submission of the necessary delivery documents and other paperwork
6 concerning a trip in the service of the authorized carrier. The
7 paperwork required before the lessor can receive payment is limited
8 to those documents necessary for the authorized carrier to secure
9 payment from the shipper. The authorized carrier may require the
10 submission of additional documents by the lessor but not as a
11 prerequisite to payment;

12 8. The lease shall clearly specify the right of those lessors
13 whose revenue is based on a percentage of the gross revenue for a
14 shipment to examine copies of the authorized carrier's freight bill
15 before or at the time of settlement. The lease shall clearly
16 specify the right of the lessor, regardless of method of
17 compensation, to examine copies of the carrier's tariff;

18 9. The lease shall clearly specify all items that may be
19 initially paid for by the authorized carrier, but ultimately
20 deducted from the lessor's compensation at the time of payment or
21 settlement together with a recitation as to how the amount of each
22 item is to be computed. The lessor shall be afforded copies of
23 those documents which are necessary to determine the validity of the
24 charge;

1 10. The lease shall specify that the lessor is not required to
2 purchase or rent any products, equipment, or services from the
3 authorized carrier as a condition of entering into the lease
4 arrangement;

5 11. As it relates to insurance:

6 a. the lease shall clearly specify the legal obligation
7 of the authorized carrier to maintain insurance
8 coverage for the protection of the public, and

9 b. the lease shall clearly specify the conditions under
10 which deductions for cargo or property damage may be
11 made from the lessor's settlements. The lease shall
12 further specify that the authorized carrier must
13 provide the lessor with a written explanation and
14 itemization of any deductions for cargo or property
15 damage made from any compensation of money owed to the
16 lessor. The written explanation and itemization must
17 be delivered to the lessor before any deductions are
18 made; and

19 12. An original and two copies of each lease shall be signed by
20 the parties. The authorized carrier shall keep the original and
21 shall place a copy of the lease in the equipment during the period
22 of the lease. The owner of the equipment shall keep the other copy
23 of the lease.

1 D. The provisions of this section shall apply to the leasing of
2 equipment with which to perform household goods transportation by
3 motor carriers.

4 SECTION 9. AMENDATORY 47 O.S. 2011, Section 169, is
5 amended to read as follows:

6 Section 169. A. No certificate shall be issued by the
7 ~~Corporation Commission~~ Department of Public Safety to any motor
8 carrier of household goods until after such motor carrier shall have
9 filed with the ~~Commission~~ Department a liability insurance policy or
10 bond covering public liability and property damage, issued by some
11 insurance or bonding company or insurance carrier authorized as set
12 forth below, and which has complied with all of the requirements of
13 the ~~Commission~~ Department, which bond or policy shall be approved by
14 the ~~Commission~~ Department, and shall be in such sum and amount as
15 fixed by a proper order of the ~~Commission~~ Department; and such
16 liability and property damage insurance policy or bond shall bind
17 the obligor thereunder to make compensation for injuries to, or
18 death of, persons, and loss or damage to property, resulting from
19 the operation of any such motor carrier for which such carrier is
20 legally liable. After judgment against the carrier for any damage,
21 the injured party may maintain an action upon the policy or bond to
22 recover the same, and shall be a proper party to maintain such
23 action.

1 B. Every motor carrier of household goods shall file with the
2 ~~Commission~~ Department a cargo insurance policy or bond covering any
3 goods or property being transported, issued by some insurance or
4 bonding company or insurance carrier authorized as set forth below,
5 and which has complied with all of the requirements of the
6 ~~Commission~~ Department, which bond or policy shall be approved by the
7 ~~Commission~~ Department, and shall be in a sum and amount as fixed by
8 ~~Commission~~ Department rule. The cargo insurance must be filed with
9 the ~~Commission~~ Department prior to a certificate being issued by the
10 ~~Commission~~ Department.

11 C. No carrier, whose principal place of business is in
12 Oklahoma, shall conduct any operations in this state unless the
13 operations are covered by a valid primary bond or insurance policy
14 issued by an insurer authorized or approved by the Oklahoma
15 Insurance Department. No carrier whose principal place of business
16 is not in Oklahoma shall conduct any operations in this state unless
17 the operations are covered by a valid bond or insurance policy
18 issued by an insurer licensed or approved by the insurance
19 regulatory authority of the state of their principal place of
20 business or the Oklahoma Insurance Department.

21 D. Each motor carrier shall maintain on file, in full force,
22 all insurance required by the laws of the State of Oklahoma and the
23 rules of the ~~Commission~~ Department during such motor carrier's
24 operation and that the failure for any cause to maintain such

1 coverage in full force and effect shall immediately, without any
2 notice from the ~~Commission~~ Department, suspend such carrier's rights
3 to operate until proper insurance is provided. Any carrier
4 suspended for failure to maintain proper insurance shall have a
5 reasonable time, not exceeding sixty (60) days, within which to
6 provide proper insurance and to have the carrier's authority
7 reactivated, upon showing:

8 1. No operation during the period in which the carrier did not
9 have insurance; and

10 2. Furnishing of proper insurance coverage.

11 E. Any carrier who fails to reactivate the carrier's
12 certificate within sixty (60) days after such suspension, as above
13 provided, shall have the certificate canceled, by operation of law,
14 without any notice from the ~~Commission~~ Department. No certificate
15 so canceled shall be reinstated or otherwise made operative except
16 that the ~~Commission~~ Department may reinstate the authority of a
17 motor carrier upon proper showing that the motor carrier was
18 actually covered by proper insurance during the suspension or
19 cancellation period, and that failure to file with the ~~Commission~~
20 Department was not due to the motor carrier's fault. Any carrier
21 desiring to file for reinstatement of the carrier's certificate
22 shall do so within ninety (90) days of its cancellation by law.

23 F. The ~~Commission~~ Department shall, in its discretion, permit
24 the filing of certificates of insurance coverage on such form as may

1 be prescribed by the ~~Commission~~ Department, in lieu of copies of
2 insurance policies or bonds, with the proviso that if the
3 certificates are authorized, the insurance company or carrier so
4 filing it, upon request of the ~~Commission~~ Department, shall, at any
5 time, furnish an authenticated copy of the policy which the
6 certificate represents, and further provided that thirty (30) days
7 prior to effective cancellation or termination of the policy of
8 insurance for any cause, the insurer shall so notify the ~~Commission~~
9 Department in writing of the facts or as deemed necessary by the
10 ~~Commission~~ Department.

11 SECTION 10. AMENDATORY 47 O.S. 2011, Section 169.5, is
12 amended to read as follows:

13 Section 169.5. If the carrier fails to process loss or damage
14 claims as provided in Sections 169.2 through 169.4 of this title, or
15 to express declinations of the claims in writing with proof of
16 nonliability, the carrier may be found in contempt by the
17 ~~Corporation-Commission~~ Department of Public Safety after proper
18 notice and hearing. Failure to pay any fine or otherwise resolve
19 the complaint may result in a hearing by the ~~Corporation-Commission~~
20 Department of Public Safety to determine if the operating authority
21 of the carrier shall be revoked.

22 SECTION 11. AMENDATORY 47 O.S. 2011, Section 170, is
23 amended to read as follows:

24

1 Section 170. A. Nothing contained in this act shall be
2 construed to authorize the operation of any freight vehicle in
3 excess of the gross weight, width, length or height authorized by
4 law.

5 B. Any person who willfully advertises to perform
6 transportation services for which the person does not hold a proper
7 certificate shall be in violation of this act and subject to the
8 penalties prescribed for contempt of the ~~Corporation Commission~~
9 Department of Public Safety.

10 C. Household goods certificates may be suspended or revoked for
11 any violation of state law or ~~Commission~~ Department rule.

12 D. Certificates shall be considered personal to the holder
13 thereof and shall be issued only to some definite legal entity
14 operating motor vehicles as a motor carrier of household goods, and
15 shall not be subject to lease, nor shall the holder thereof sublet
16 or permit the exercise, by another, in anywise, of the rights or
17 privileges granted thereunder.

18 SECTION 12. AMENDATORY 47 O.S. 2011, Section 170.1, is
19 amended to read as follows:

20 Section 170.1. A. Upon any complaint in writing under oath
21 being made by any person, or by the ~~Commission~~ Department of its own
22 motion, setting forth any act or thing done or omitted to be done by
23 any person in violation, or claimed violation, of any provision of
24 law, or of any order or rule of the ~~Commission~~ Department, the

1 ~~Commission~~ Department shall enter same upon its docket and shall
2 immediately serve a copy thereof upon each defendant together with a
3 notice directed to each defendant requiring that the matter
4 complained of be answered, in writing, within ten (10) days of the
5 date of service of such notice, provided that the ~~Commission~~
6 Department may, in its discretion, require particular cases to be
7 answered within a shorter time, and the ~~Commission~~ Department may,
8 for good cause shown, extend the time in which an answer may be
9 filed.

10 Upon the filing of the answer herein provided for, the
11 ~~Commission~~ Department shall set a time and place for the hearing,
12 and notice of the time and place of the hearing shall be served not
13 less than ten (10) days before the time set therefor, unless the
14 ~~Commission~~ Department shall find that public necessity requires the
15 hearing at an earlier date.

16 B. The ~~Commission~~ Department may, in all matters within its
17 jurisdiction, issue subpoenas, subpoenas duces tecum, and all
18 necessary process in proceedings pending before the ~~Commission~~
19 Department; may administer oaths, examine witnesses, compel the
20 production of records, books, papers, files, documents, contracts,
21 correspondence, agreements, or accounts necessary for any
22 investigation being conducted, and certify official acts.

23 C. In case of failure on the part of any person to comply with
24 any lawful order of the ~~Commission~~ Department, ~~or of any~~

1 ~~Commissioner~~, or with any subpoena or subpoena duces tecum, or to
2 testify concerning any matter on which he may be lawfully
3 interrogated, the ~~Commission~~ Department may compel obedience by
4 proceedings for contempt as in the case of disobedience of the
5 requirements of a subpoena, or of the refusal to testify.

6 D. Witnesses who are summoned before the ~~Commission~~ Department
7 shall be paid the same fees and mileage as are paid to witnesses in
8 courts of record. Any party to a proceeding at whose instance a
9 subpoena is issued and served shall pay the costs incident thereto
10 and the fees for mileage of all his witnesses.

11 E. In event any process shall be directed to any nonresident
12 who is authorized to do business in this state, the process may be
13 served upon the agent designated by the nonresident for the service
14 of process, and service upon the agent shall be as sufficient and as
15 effective as if served upon the nonresident.

16 F. All process issued by the ~~Commission~~ Department shall extend
17 to all parts of the state and any such process, together with the
18 service of all notices issued by the ~~Commission~~ Department, as well
19 as copies of complaints, rules, orders and regulations of the
20 ~~Commission~~ Department, may be served by any person authorized to
21 serve process issued out of courts of record, or by certified mail.

22 G. After the conclusion of any hearing, the ~~Commission~~
23 Department shall, within sixty (60) days, make and file its findings
24 and order, with its opinion. Its findings shall be in sufficient

1 detail to enable any court in which any action of the ~~Commission~~
2 Department is involved to determine the controverted questions
3 presented by the proceeding. A copy of such order, certified under
4 the seal of the ~~Commission~~ Department, shall be served upon the
5 person against whom it runs, or the attorney of the person, and
6 notice thereof shall be given to the other parties to the
7 proceedings or their attorneys. The order shall take effect and
8 become operative within fifteen (15) days after the service thereof,
9 unless otherwise provided. If an order cannot, in the judgment of
10 the ~~Commission~~ Department, be complied with within fifteen (15)
11 days, the ~~Commission~~ Department may grant and prescribe such
12 additional time as in its judgment is reasonably necessary to comply
13 with the order, and may, on application and for good cause shown,
14 extend the time for compliance fixed in the order.

15 H. In the event the ~~Commission~~ Department finds that the
16 defendant is guilty upon any complaint filed and proceeding had and
17 that the provisions of law, or the rules, regulations or orders of
18 this ~~Commission~~ Department have been willfully and knowingly
19 violated and the violator holds a permit or certificate or license
20 issued by the ~~Commission~~ Department authorizing it to engage in the
21 transportation of persons or property for hire, then such permit or
22 certificate or license may also be revoked by the ~~Commission~~
23 Department.

1 I. Where a complaint is instituted by any person other than the
2 ~~Commission~~ Department of its own motion and in the event the
3 ~~Commission~~ Department should find that the complaint was not in good
4 faith, the complaining party shall be required to pay the
5 defendant's attorney's fee, the fee to be prescribed by the
6 ~~Commission~~ Department in accordance with applicable Oklahoma Bar
7 Association standards.

8 J. Any person aggrieved by any findings and order of the
9 ~~Commission~~ Department may appeal to the Supreme Court in the way and
10 manner now or hereafter provided for appeals from the district court
11 to the Supreme Court.

12 SECTION 13. AMENDATORY 47 O.S. 2011, Section 170.2, is
13 amended to read as follows:

14 Section 170.2. A. ~~The Department of Public Safety, monthly,~~
15 ~~shall notify the Oklahoma Corporation Commission of any ticket~~
16 ~~issued for a violation of the provisions of Section 14-119 of this~~
17 ~~title, or any provisions of Chapter 14 of this title or the terms of~~
18 ~~any special permit authorized pursuant to the provisions of Chapter~~
19 ~~14 of this title concerning overweight or overweight special~~
20 ~~permits.~~

21 ~~B.~~ Truck overweight violations by motor carriers or private
22 carriers shall be considered contempt of ~~Commission~~ Department motor
23 carrier rules, tariffs and regulations. The ~~Commission~~ Department
24 shall establish a specific rule whereby such overweight violations

1 by motor carriers or private carriers shall be grounds for issuance
2 of a show-cause order for consideration of temporary or permanent
3 cancellation of operating authority or license. In establishing the
4 rule, consideration shall be given to the frequency of violations,
5 pattern of violations, fleet size, type of operation, amount of
6 overweight, and other such factors that may indicate intent. Any
7 person, firm, or corporation that assists in the commission of such
8 overweight violation or refuses to comply with any rule, regulation,
9 or order of the ~~Commission~~ Department relating thereto shall be
10 guilty of contempt of the ~~Commission~~ Department and shall be subject
11 to a fine to be imposed by said ~~Commission~~ Department in a sum not
12 to exceed Five Hundred Dollars (\$500.00) on each violation. In the
13 specific instance of an overweight violation, the transportation of
14 each load shall constitute a separate violation. The same fine
15 assessed against the motor carrier or private carrier shall apply to
16 any other person, firm, or corporation that aids or abets such
17 violations. Provided however, no motor carrier, private carrier,
18 shipper or person loading or causing a motor vehicle to be loaded
19 shall be subject to a fine for contempt unless the gross weight of
20 the motor vehicle is more than five thousand (5,000) pounds
21 overweight.

22 C. B. The ~~Commission~~ Department, in its discretion and on its
23 own motion, may make a contempt complaint in writing under oath
24 setting forth the violation, enter the complaint on its docket, and

1 proceed with the matter in accordance with the provisions of
2 Sections 161 et seq. of this title or the Motor Carrier Act of 1995.

3 SECTION 14. AMENDATORY 47 O.S. 2011, Section 171, is
4 amended to read as follows:

5 Section 171. All monies accruing to the "~~Corporation~~
6 ~~Commission~~ Department of Public Safety Revolving Fund" are hereby
7 appropriated to the ~~Corporation Commission~~ Department of Public
8 Safety.

9 ~~The Corporation Commission is hereby authorized and empowered to~~
10 ~~employ such extra help as may be necessary to carry out the~~
11 ~~provisions of this act for the enforcement of the law and the~~
12 ~~collection of taxes set forth herein, said employees to be paid from~~
13 ~~the appropriations made in this section. Provided, such employees~~
14 ~~shall be paid such salaries or compensation as is paid for similar~~
15 ~~service in this state in the same or other departments of the state.~~
16 ~~The Corporation Commission is hereby authorized to pay from the "~~
17 ~~Corporation Commission Revolving Fund" such extra operating expenses~~
18 ~~as may be attributable to the enforcement of this act, in the same~~
19 ~~manner and form as other expenses are paid.~~

20 ~~Provided further, such employees shall be such extra help as may~~
21 ~~be in the judgment of the Corporation Commission necessary to aid in~~
22 ~~the enforcement of this act in addition to the positions hereinafter~~
23 ~~created; the salaries and expenses of the positions hereinafter~~
24

1 created shall be paid out of funds appropriated by the general
2 departmental appropriations act.

3 SECTION 15. AMENDATORY 47 O.S. 2011, Section 171.1, is
4 amended to read as follows:

5 Section 171.1. In addition to other uses authorized by law,
6 funds provided to the ~~Corporation Commission~~ Department of Public
7 Safety Revolving Fund pursuant to Sections 165, 177.2 and 180h of
8 this title shall be expended as follows:

9 1. The ~~Corporation Commission~~ Department of Public Safety
10 ~~Transportation Division shall~~ may employ four special ~~motor carrier~~
11 ~~enforcement~~ Port of entry officers and one supervisor-officer who
12 shall have the primary duty of investigating and assisting in the
13 prosecution of persons engaged in unauthorized transportation or
14 disposal of deleterious substances as contemplated under the
15 provisions of the Oklahoma Motor Carrier Act and any other
16 applicable provisions of law. Such employees shall be compensated
17 as for similar service in the same or other departments of the state
18 and an expense allowance of One Hundred Dollars (\$100.00) per month
19 for maintenance and cleaning of uniforms and other related expenses
20 shall be paid to such employees. Nothing in this section regarding
21 expense allowances shall be construed to mean that such employees
22 shall receive any additional compensation beyond what is provided
23 for maintenance and cleaning of uniforms and other related expenses
24

1 by the ~~Corporation Commission~~ Department of Public Safety on the
2 effective date of this act.

3 2. The ~~Commission~~ Department shall purchase a sufficient number
4 of motor vehicles to provide each ~~motor carrier enforcement~~ Port of
5 Entry officer employed on January 1, 2018, in the ~~Transportation~~
6 ~~Division~~ Department a motor vehicle suitable to carry out the
7 enforcement provisions of applicable law. Said vehicles shall be
8 appropriately marked as official vehicles and radio equipped. All
9 costs for operation, maintenance and replacement of the motor
10 vehicles authorized in this section shall be provided for from the
11 ~~Corporation Commission~~ Department of Public Safety Revolving Fund.

12 3. The ~~Commission~~ Department shall employ a hearing officer
13 whose primary responsibility shall be the adjudication of
14 enforcement proceedings and complaints brought against persons
15 engaged in unauthorized transportation or disposal of deleterious
16 substances or other unauthorized transportation in violation of the
17 Oklahoma Motor Carrier Act or the rules and regulations of motor
18 carriers as promulgated by the ~~Corporation Commission~~ Department of
19 Public Safety.

20 SECTION 16. AMENDATORY 47 O.S. 2011, Section 171.2, is
21 amended to read as follows:

22 Section 171.2. ~~Motor carrier enforcement~~ Port of Entry officers
23 as authorized in Section 171.1 of this title shall have authority
24 and powers as provided for those ~~motor carrier~~ Port of Entry

1 officers authorized under the provisions of Section 172 of this
2 title.

3 SECTION 17. AMENDATORY 47 O.S. 2011, Section 172, is
4 amended to read as follows:

5 Section 172. A. Every owner of any motor vehicle, the agents
6 or employees of the owner, and every other person who violates or
7 fails to comply with or procures, aids, or abets in the violation of
8 Sections ~~161~~ 161A through 180m of this title or the Motor Carrier
9 Act of 1995, or who fails to obey, observe, or comply with any
10 order, decision, rule or regulation, direction, demand, or
11 requirement of the ~~Corporation Commission~~ Department of Public
12 Safety, or who procures, aids or abets any corporation or person in
13 the person's, or its, refusal or willful failure to obey, observe or
14 comply with any such order, decision, rule, direction, demand, or
15 regulation shall be deemed guilty of a misdemeanor. Upon conviction
16 in a criminal court of competent jurisdiction, such misdemeanor is
17 punishable by a fine of not exceeding One Thousand Dollars
18 (\$1,000.00).

19 B. The ~~Corporation Commission~~ Department of Public Safety shall
20 report to the Attorney General of this state and the district
21 attorney of the proper county having jurisdiction of such offense,
22 any violation of any of the provisions of Sections ~~161~~ 161A through
23 180m of this title or the Motor Carrier Act of 1995 or any rule of
24 the ~~Corporation Commission~~ Department of Public Safety promulgated

1 pursuant to the provisions of Sections ~~161~~ 161A through 180m of this
2 title or the Motor Carrier Act of 1995, by any motor vehicle owner,
3 agent or employee of such owner, or any other person. Upon receipt
4 of such report, the Attorney General or the district attorney of the
5 proper county having jurisdiction of such offense shall institute
6 criminal or civil proceedings against such offender in the proper
7 court having jurisdiction of such offense. Any willful failure on
8 the part of members of the ~~Corporation Commission~~ Department of
9 Public Safety, the Attorney General or any district attorney, to
10 comply with the provisions of this section, shall be deemed official
11 misconduct. ~~The Corporation Commission shall report such complaints~~
12 ~~so made to the Governor of this state who shall direct and cause the~~
13 ~~laws of this state to be enforced.~~

14 C. Any person failing, neglecting or refusing to comply with
15 the provisions of Sections ~~161~~ 161A through 180m of this title or
16 the Motor Carrier Act of 1995, or with any rule, regulation, or
17 requirement of the ~~Corporation Commission~~ Department of Public
18 Safety promulgated pursuant to the provisions of Sections ~~161~~ 161A
19 through 180m of this title or the Motor Carrier Act of 1995, shall
20 be guilty of contempt of the ~~Corporation Commission~~ Department of
21 Public Safety, and shall be subject to a fine to be imposed by the
22 ~~Corporation Commission~~ Department of Public Safety in a sum not
23 exceeding Five Hundred Dollars (\$500.00). Each day on which such
24 contempt occurs shall be deemed a separate and distinct offense.

1 The maximum fine to be assessed on each day shall be Five Hundred
2 Dollars (\$500.00). All fines collected pursuant to the provisions
3 of this section shall be deposited in the State Treasury to the
4 credit of the ~~Corporation Commission~~ Department of Public Safety
5 Trucking One-Stop Shop Fund, as created in Section 1167 of this
6 title. This subsection shall not apply in the specific instance of
7 load capacity violations or violations applicable to the
8 transportation or discharge of deleterious substances provided for
9 by specific statutory provisions.

10 D. The ~~Corporation Commission~~ Department of Public Safety
11 may appoint a director of transportation, a deputy director, an
12 insurance supervisor, an insurance clerk, two stenographers, a
13 secretary to the director, an identification device supervisor and
14 an assistant identification device supervisor at such salaries as
15 the Legislature may from time to time prescribe. The employees
16 shall be allowed actual and necessary travel expenses pursuant to
17 the provisions of the State Travel Reimbursement Act. All of the
18 expense claims shall be presented and paid monthly.

19 E. ~~Enforcement~~ Port of Entry officers, appointed by the
20 ~~Corporation Commission~~ Department of Public Safety, are hereby
21 declared to be peace officers of this state. There shall be two
22 types of Port of Entry officers, Port of Entry officers that are
23 commissioned peace officers and Weigh Station officers that are not
24 peace officers. ~~Such~~ All officers shall be vested with all powers

1 of ~~peace officers in~~ enforcing the provisions of Sections ~~161~~ 161A
2 through 180m of this title, U.S. 49 CFR, and the Motor Carrier Act
3 of 1995 in all parts of this state.

4 The powers and duties conferred upon said enforcement officers
5 shall in no way limit the powers and duties of sheriffs or other
6 peace officers of the state, or any political subdivision thereof,
7 or of members of the Division of Highway Patrol, subject to the
8 Department of Public Safety.

9 F. The ~~enforcement~~ Port of Entry officers when on duty, may
10 stop and inspect ~~upon reasonable belief that~~ any commercial motor
11 vehicle ~~is being operated in~~ for any violation of ~~any provisions of~~
12 Sections ~~161~~ 161A through 180m of this title ,U.S. 49 CFR, or the
13 Motor Carrier Act of 1995, ~~shall be authorized to require the driver~~
14 ~~of the vehicle to stop and submit to an inspection of the~~
15 ~~identification device, or devices, in the vehicle, and to submit to~~
16 ~~such enforcement officer bills of lading, waybills, or other~~
17 ~~evidences of the character of the commerce being transported in such~~
18 ~~vehicle, and to submit to an inspection of the contents of such~~
19 ~~vehicle for the purpose of comparing same with bills of lading or~~
20 ~~shipping documentation, waybills, or other evidences of~~
21 ~~transportation carried by the driver of the vehicle.~~ The officers
22 shall not have the right to plea bargain.

23 G. The ~~enforcement~~ Port of Entry officers are authorized to
24 serve all warrants, writs, and notices issued by the ~~Corporation~~

1 ~~Commission~~ Department of Public Safety relating to the enforcement
2 of the provisions of Sections ~~161~~ 161A through 180m of this title or
3 the Motor Carrier Act of 1995 and the rules, regulations, and
4 requirements prescribed by the ~~Corporation Commission~~ Department of
5 Public Safety promulgated pursuant to Sections ~~161~~ 161A through 180m
6 of this title, U.S. 49 CFR, or the Motor Carrier Act of 1995.

7 H. The ~~enforcement~~ Port of Entry officers ~~shall not have the~~
8 ~~power or right of search, nor shall they have the right of power of~~
9 ~~seizure, except as provided in Sections 161 through 180m of this~~
10 ~~title or the Motor Carrier Act of 1995. The enforcement officers~~
11 are authorized to hold and detain any motor vehicle operating upon
12 the highways of this state, if, the enforcement officer has reason
13 to believe that the vehicle is being operated contrary to the
14 provisions of Sections ~~161~~ 161A through 180m of this title or the
15 Motor Carrier Act of 1995, or the rules, regulations, and
16 requirements of the ~~Corporation Commission~~ Department of Public
17 Safety promulgated pursuant to Sections ~~161~~ 161A through 180m of
18 this title or the Motor Carrier Act of 1995. The Port of Entry
19 Officers are authorized to place a commercial motor vehicle and/or
20 driver Out-of-Service, if found to be in violation of U.S. 49 CFR.

21 I. No state official, other than members of the ~~Corporation~~
22 ~~Commission~~ Department of Public Safety, shall have any power, right,
23 or authority to command, order, or direct any enforcement officer to
24

1 perform any duty or service authorized by Sections ~~161~~ 161A through
2 180m of this title, U.S. 49 CFR, or the Motor Carrier Act of 1995.

3 J. ~~Each of the enforcement officers shall, before entering upon~~
4 ~~the discharge of their duties, take and subscribe to the usual oath~~
5 ~~of office and shall execute to the State of Oklahoma a bond in the~~
6 ~~sum of Twenty-five Thousand Dollars (\$25,000.00) each, with~~
7 ~~sufficient surety for the faithful performance of their duty. The~~
8 ~~bond shall be approved and filed as provided by law.~~

9 K. ~~No enforcement~~ Port of Entry officer or employee of the
10 ~~Oklahoma Corporation Commission~~ Department of Public Safety shall
11 have the right to plea bargain in motor carrier or motor
12 transportation matters except the ~~chief legal counsel~~ division of
13 the ~~Commission~~ Department ~~or an assign of the legal staff of the~~
14 ~~chief legal counsel.~~

15 SECTION 18. AMENDATORY 47 O.S. 2011, Section 172.1, is
16 amended to read as follows:

17 Section 172.1. A. Future applicants for the position of
18 ~~enforcement~~ Port of Entry officer shall be high school graduates and
19 shall have had at least three (3) years' practical experience in the
20 transportation industry or in the field of law enforcement and be
21 certified by the Council on Law Enforcement Education and Training
22 (CLEET) within twelve (12) months from the date of employment.
23 Applicants shall have attained the age of twenty-one (21) years.
24

1 B. The applicants shall pass a written test or examination on
2 motor carrier law and the rules of the ~~Commission~~ Department
3 pertaining thereto, for the purpose of establishing the applicant's
4 fitness and ability to perform the duties of an enforcement officer.

5 SECTION 19. AMENDATORY 47 O.S. 2011, Section 177.2, is
6 amended to read as follows:

7 Section 177.2. A. No motor carrier shall engage in the
8 business of transporting any salt water, mineral brines, waste oil
9 and other deleterious substances produced from or obtained or used
10 in connection with the drilling, development, producing and
11 operating of oil and gas wells and brine wells, for any valuable
12 consideration whatever, or in any quantity over twenty (20) gallons,
13 without a license authorizing such operation and a deleterious
14 substance transport permit to be issued by the ~~Commission~~
15 Department. Provided, transportation of such substances by private
16 carrier of property by motor vehicle shall require a deleterious
17 substance transport permit.

18 B. No carrier shall transport deleterious substances under a
19 carrier license issued by the ~~Commission~~ Department until such time
20 as the carrier has been issued a deleterious substance transport
21 permit.

22 C. No deleterious substance transport permit shall be issued to
23 a motor carrier or private carrier until the carrier has furnished
24 written proof of access to a Class II disposal well or wells. Said

1 written proof of access shall be provided by the owner of such
2 disposal well. Such disposal well must first be approved by the
3 ~~Corporation Commission~~ Department of Public Safety as adequate to
4 meet the need for proper disposal of all substances which the
5 applicant may reasonably be expected to transport as a motor carrier
6 or private carrier. Provided that nothing in this section shall be
7 construed as prohibiting the disposition of such deleterious
8 substances in a disposal well that is owned by a person other than
9 the transporter.

10 D. The ~~Commission~~ Department shall maintain a current list of
11 such permits. The ~~Commission~~ Department shall charge such annual
12 deleterious substance transport permitting fees as will cover the
13 cost of issuing such licenses and an annual fee of Two Hundred Fifty
14 Dollars (\$250.00) for each such deleterious substance transport
15 license. Proceeds from the fees shall be deposited by the
16 ~~Commission~~ Department in the State Treasury to the credit of the
17 ~~Corporation Commission~~ Department of Public Safety Revolving Fund.
18 The provisions of this section are supplemental and are in addition
19 to the laws applicable to motor carriers.

20 SECTION 20. AMENDATORY 47 O.S. 2011, Section 177.3, is
21 amended to read as follows:

22 Section 177.3. A. It shall be unlawful for a motor carrier,
23 whether private, common, or contract, to dump, disperse, or
24 otherwise release substances described in Section 177.2 of this

1 title upon a public highway or elsewhere except on property or in
2 wells, reservoirs, or other receptacles owned, held, leased, or
3 otherwise rightfully and legally available to the motor carrier for
4 such use and purpose.

5 B. It shall be unlawful for any motor truck or tank vehicle
6 used to transport substances described in Section 177.2 of this
7 title to have a release device located or operated in any manner
8 from within the cab of such a motor vehicle.

9 C. Any violation of the provisions of subsections A or B of
10 this section shall constitute a misdemeanor. It shall be the duty
11 of the prosecuting attorney of the county in which a violation of
12 the provisions of this section occurs to file and prosecute the
13 aforementioned misdemeanor charge and advise the ~~Commission~~
14 Department of such action and the results thereof.

15 D. The ~~Oklahoma Corporation Commission~~ Department of Public
16 Safety may initiate contempt proceedings for any violation
17 concerning disposal by a carrier of a substance described in Section
18 177.2 of this title. The first violation proven by the ~~Commission~~
19 Department in any calendar year shall result in a motor carrier or
20 private carrier being warned by the ~~Commission~~ Department and, upon
21 conviction, fined up to Two Thousand Five Hundred Dollars
22 (\$2,500.00). A second violation proven by the ~~Commission~~ Department
23 in any calendar year shall result in a motor carrier or private
24 carrier being placed on probation and fined up to Five Thousand

1 Dollars (\$5,000.00) by the ~~Commission~~ Department. A third violation
2 proven by the ~~Commission~~ Department in any calendar year shall
3 result in a fine of up to Twenty Thousand Dollars (\$20,000.00), and,
4 at the discretion of the ~~Commission~~ Department, cancellation of the
5 carrier's license for a period up to one (1) year and cancellation
6 of a motor carrier or private carrier deleterious substance
7 transport permit. The driver of a truck, who is not the owner of
8 the vehicle used in violation of this section or any of the rules
9 and regulations of the ~~Oklahoma Corporation Commission~~ Department of
10 Public Safety, shall be adjudicated a codefendant and subject to a
11 fine equal to ten percent (10%) of the fine assessed to the owner of
12 such vehicle, up to Five Hundred Dollars (\$500.00).

13 SECTION 21. AMENDATORY 47 O.S. 2011, Section 180, is
14 amended to read as follows:

15 Section 180. The following words and phrases, when used in ~~this~~
16 ~~act~~ Section 180 et seq. of this title, shall have the meanings
17 respectively ascribed to like words and phrases by the motor carrier
18 statutes of Oklahoma, except as herein provided:

19 1. The term "identification application" shall mean the
20 application as provided by the ~~Commission~~ Department, for making
21 application for motor carrier vehicle identification devices; and

22 2. The term "identification device" shall mean the motor
23 carrier vehicle identification device issued by the ~~Commission~~
24 Department under the provisions of ~~this act~~ Section 180 et seq. of

1 this title for the purpose of identifying powered motor carrier
2 vehicles operated under and coming within the provisions of this act
3 or the Motor Carrier Act of 1995.

4 SECTION 22. AMENDATORY 47 O.S. 2011, Section 180a, is
5 amended to read as follows:

6 Section 180a. It is hereby declared unlawful for any motor
7 carrier, his or its agents or employees to operate any powered motor
8 vehicle, as a motor carrier for hire, within this state, without the
9 identification device issued by the ~~Commission~~ Department, said
10 device to be displayed as provided by the rules of the ~~Commission~~
11 Department.

12 SECTION 23. AMENDATORY 47 O.S. 2011, Section 180b, is
13 amended to read as follows:

14 Section 180b. The identification device shall be the property
15 of the ~~Commission~~ Department at all times, and shall be subject to
16 seizure and confiscation by the ~~Commission~~ Department for any good
17 cause and at the will of the ~~Commission~~ Department.

18 SECTION 24. AMENDATORY 47 O.S. 2011, Section 180c, is
19 amended to read as follows:

20 Section 180c. The ~~Commission~~ Department may issue an order for
21 the seizure and confiscation and return to the ~~Commission~~ Department
22 of any identification device or devices, for any of the following
23 reasons, and to direct said order or orders to any officer of the
24 State of Oklahoma charged with the duties of enforcing the

1 provisions of this act and/or any other section of the motor carrier
2 law now in force or hereinafter enacted:

3 1. In all cases where the motor carrier has permitted the
4 insurance coverage, as required by law to be filed with the
5 ~~Commission~~ Department, to lapse or become cancelled or for any
6 reason to become void and fail to meet the requirements as provided
7 by law;

8 2. For failure on the part of any motor carrier, his or its
9 agents or employees to comply with any part or provision of this
10 act, or any other act or law or part or provision thereof relative
11 to the legal operation of a for-hire motor carrier or to obey,
12 observe or comply with any order, decision, rule or regulation,
13 direction, demand or requirement, or any part or provision thereof,
14 of the ~~Commission~~ Department;

15 3. Upon the cancellation or revocation of the certificate or
16 permit or IRC or license under which said identification device or
17 devices were issued; or

18 4. For operating any powered motor vehicle in violation of the
19 terms and provisions of ~~this act~~ Section 180 et seq. of this title
20 or the Motor Carrier Act of 1995 and all applicable size and weight
21 laws and safety standards of this state.

22 SECTION 25. AMENDATORY 47 O.S. 2011, Section 180d, is
23 amended to read as follows:
24

1 Section 180d. The ~~Commission~~ Department shall have the power
2 and authority by general order or otherwise to promulgate rules and
3 regulations for the administration and enforcement of the provisions
4 of ~~this act~~ Section 180 et seq. of this title or the Motor Carrier
5 Act of 1995.

6 SECTION 26. AMENDATORY 47 O.S. 2011, Section 180e, is
7 amended to read as follows:

8 Section 180e. The ~~Commission~~ Department, in its discretion, is
9 authorized to provide for decals, cab cards, or other suitable
10 methods of identification to be displayed on or carried in the truck
11 or powered motor vehicle.

12 SECTION 27. AMENDATORY 47 O.S. 2011, Section 180f, is
13 amended to read as follows:

14 Section 180f. The ~~Commission~~ Department is hereby authorized to
15 purchase said identification devices in sufficient amounts to supply
16 the demand, and to purchase such other officer supplies and
17 equipment as is necessary to administer and enforce the provisions
18 of ~~this act~~ Section 180 et seq. of this title or the Motor Carrier
19 Act of 1995, and to pay for, or cause the same to be paid for, out
20 of the appropriation provided therefor.

21 SECTION 28. AMENDATORY 47 O.S. 2011, Section 180g, is
22 amended to read as follows:

1 Section 180g. It shall be the duty of the ~~Commission~~ Department
2 to provide identification devices upon written application of any
3 authorized motor carrier.

4 Upon written application of any authorized motor carrier holding
5 a certificate or permit or license issued by the ~~Commission~~
6 Department, the ~~Commission~~ Department shall issue to the motor
7 carrier a sufficient number of identification devices so that each
8 powered vehicle owned or to be operated by the motor carrier in the
9 state shall bear one identification device. Identification devices
10 shall be issued on an annual basis, and applications shall be made
11 annually on the form prescribed by the ~~Commission~~ Department, and
12 any motor carrier operating a powered vehicle without a current
13 identification device shall be in violation of the provisions of
14 Sections 180 through 180m of this title or the Motor Carrier Act of
15 1995.

16 It is hereby declared unlawful for any motor carrier, or agents
17 or employees of any motor carrier, to use or transfer an
18 identification device except as provided by rules of the ~~Commission~~
19 Department.

20 SECTION 29. AMENDATORY 47 O.S. 2011, Section 180h, is
21 amended to read as follows:

22 Section 180h. The ~~Corporation-Commission~~ Department of Public
23 Safety is hereby authorized to collect from applicants for motor
24 carrier and private carrier identification devices a fee of Seven

1 Dollars (\$7.00) for registration of each of its vehicles registered
2 under the provisions of ~~this act~~ Section 180 et seq. of this title
3 or the Motor Carrier Act of 1995; and the fee shall be in addition
4 to any other fees now provided for by law for the registration of
5 said motor vehicles and shall be deposited in the State Treasury to
6 the credit of the Trucking One-Stop Shop Fund.

7 SECTION 30. AMENDATORY 47 O.S. 2011, Section 180k, is
8 amended to read as follows:

9 Section 180k. All records of the ~~Corporation Commission~~
10 Department of Public Safety under ~~this act~~ Section 180 et seq. of
11 this title shall be maintained in, and classified as all other
12 records in the Transportation Division of the ~~Corporation Commission~~
13 Department of Public Safety.

14 SECTION 31. AMENDATORY 47 O.S. 2011, Section 180l, is
15 amended to read as follows:

16 Section 180l. The ~~Commission~~ Department is hereby authorized
17 and empowered, on behalf of the State of Oklahoma, and when it shall
18 deem it to be in the best interest of the residents of this state so
19 to do, to enter into reciprocal compacts and agreements with other
20 states, or the authorized agencies thereof, when such states have
21 made provisions substantially similar to this section, respecting
22 the regulation of motor vehicles engaged in interstate or foreign
23 commerce upon and over the public highways. And such compacts and
24 agreements may provide for the granting, to the residents of such

1 states, privileges substantially similar to those granted thereby to
2 Oklahoma residents: Provided: (1) That no such compact or agreement
3 shall supersede or suspend the operation of any law, rule or
4 regulation of the State of Oklahoma which shall apply to vehicles
5 operated intrastate in the State of Oklahoma; (2) That any
6 privileges, the granting of which shall be provided by any such
7 compact or agreement, shall extend only in cases of full compliance
8 with the laws of the state joining in such compact or agreement; (3)
9 That no such compact or agreement shall supersede or suspend the
10 operation of any law of the State of Oklahoma other than those
11 applying to the payment of fees for registration certificates or
12 identification devices; and (4) That the powers and authority of the
13 Oklahoma Tax Commission to administer and enforce the tax laws of
14 this state, pertaining to the taxation of motor vehicles, shall be
15 in no manner superseded or suspended.

16 SECTION 32. AMENDATORY 47 O.S. 2011, Section 180m, is
17 amended to read as follows:

18 Section 180m. In addition to all other duties as provided by
19 law, it is hereby declared to be, and shall be the duty of all
20 sheriffs, deputy sheriffs, district attorneys, enforcement officers
21 appointed by the ~~Corporation Commission~~ Department of Public Safety
22 ~~of the State of Oklahoma~~, and all highway patrolmen within the State
23 of Oklahoma:
24

1 1. To enforce the provisions of Sections 180 through 180m of
2 this title or the Motor Carrier Act of 1995;

3 2. To apprehend and detain any motor vehicle or vehicles and
4 driver or operator and their aides who are operating any motor
5 vehicle, upon or along the highways of this state, for a reasonable
6 length of time, for the purpose of investigating and determining
7 whether such vehicle is being operated in violation of any of the
8 provisions of Sections 180 through 180m of this title or the Motor
9 Carrier Act of 1995;

10 3. To make arrests for the violation of the provisions of
11 Sections 180 through 180m of this title or the Motor Carrier Act of
12 1995, without the necessity of procuring a warrant;

13 4. To sign the necessary complaint and to cause the violator or
14 violators to be promptly arraigned before a court of competent
15 jurisdiction for trial;

16 5. To aid and assist in the prosecution of the violator or
17 violators in the name of the State of Oklahoma to the end that this
18 law shall be enforced;

19 6. To report all such arrests for violations of Sections 180
20 through 180m of this title to the ~~Corporation Commission~~ Department
21 of Public Safety ~~of Oklahoma~~ within ten (10) days after making such
22 arrest and to furnish such information concerning same as the
23 ~~Commission~~ Department may request; and
24

1 7. At the request of the ~~Corporation Commission~~ Department of
2 Public Safety, to seize and confiscate any and all identification
3 devices and to forward the same to the ~~Corporation Commission~~
4 Department of Public Safety for cancellation.

5 SECTION 33. AMENDATORY 47 O.S. 2011, Section 230.22, is
6 amended to read as follows:

7 Section 230.22. A. It is hereby declared that it is necessary
8 in the public interest to regulate transportation by motor carriers
9 and private carriers in such manner as to recognize the need to
10 require all motor carriers and private carriers to have adequate
11 insurance; for motor carriers and private carriers to provide
12 service in a safe and efficient manner; and to establish that the
13 operations of motor carriers and private carriers will not have a
14 detrimental impact on the environment.

15 B. The public policy of this state, as declared by the
16 Legislature, requires that all existing intrastate certificates and
17 permits granted by the ~~Oklahoma Corporation Commission~~ Department of
18 Public Safety, except household goods and used emigrant movables,
19 prior to January 1, 1995, are hereby revoked.

20 C. The provisions of the Motor Carrier Act of 1995, except as
21 hereinafter specifically limited, shall apply to the transportation
22 of passengers or property by motor carriers and private carriers,
23 except motor carriers of household goods and used emigrant movables,
24 over public highways of this state; and the regulations of such

1 transportation, and the procurement thereof and the provisions of
2 facilities therefor, are hereby vested in the ~~Oklahoma Corporation~~
3 ~~Commission~~ Department of Public Safety.

4 D. Nothing herein shall be construed to interfere with the
5 exercise by agencies of the government of the United States of its
6 power of regulation of interstate commerce.

7 E. The terms and provisions of the Motor Carrier Act of 1995
8 shall apply to commerce with foreign nations, or commerce among the
9 several states of this Union, insofar as such application may be
10 permitted under the provisions of the Constitution of the United
11 States and the Acts of Congress.

12 SECTION 34. AMENDATORY 47 O.S. 2011, Section 230.23, is
13 amended to read as follows:

14 Section 230.23. As used in the Motor Carrier Act of 1995:

15 1. "Person" means any individual, firm, copartnership, limited
16 partnership, corporation, limited liability corporation, company,
17 association, or joint-stock association and includes any trustee,
18 receiver, assignee, or personal representative thereof;

19 2. ~~"Commission"~~ "Department" means the ~~Oklahoma Corporation~~
20 ~~Commission~~ Department of Public Safety;

21 3. "License" means the license issued under authority of the
22 laws of the State of Oklahoma to motor carriers and private
23 carriers;

1 4. "Interstate Registration Certificate" (IRC) means a document
2 issued by the ~~Commission~~ Department granting permission to operate
3 upon the highways of the State of Oklahoma in interstate commerce
4 exempt from federal motor carrier regulation;

5 5. "Motor vehicle" means any automobile, truck, truck-tractor,
6 trailer or semitrailer or any motor bus or any self-propelled
7 vehicle not operated or driven upon fixed rails or tracks;

8 6. "Motor carrier of persons or property" means any person,
9 except a carrier of household goods or used emigrant movables,
10 operating upon any public highway for the transportation of
11 passengers or property for compensation or for hire or for
12 commercial purposes, and not operating exclusively within the limits
13 of an incorporated city or town within this state. Provided, the
14 provisions of the Motor Carrier Act of 1995 shall not apply to the
15 following vehicles and equipment when such vehicles and equipment
16 are being used for the following:

- 17 a. taxicabs and bus companies engaged in the
18 transportation of passengers and their baggage, not
19 operated between two or more cities and towns, when
20 duly licensed by a municipal corporation in which they
21 might be doing business,
- 22 b. any person or governmental authority furnishing
23 transportation for school children to and from public
24 schools or to and from public-school-related

1 extracurricular activities under contract with, and
2 sponsored by, a public school board; provided, that
3 motor vehicles and equipment operated for the purposes
4 shall qualify in all respects for the transportation
5 of school children under the Oklahoma School Code and
6 the rules of the State Board of Education adopted
7 pursuant thereto.

8 c. transport trucks transporting liquefied petroleum
9 gases intrastate which are owned or operated by a
10 person subject to and licensed by the Oklahoma
11 Liquefied Petroleum Gas Regulation Act, and

12 d. transportation of livestock and farm products in the
13 raw state, when any of such commodities move from farm
14 to market or from market to farm on a vehicle or on
15 vehicles owned and operated by a bona fide farmer not
16 engaged in motor vehicle transportation on a
17 commercial scale;

18 7. "Corporate family" means a group of corporations consisting
19 of a parent corporation and all subsidiaries in which the parent
20 corporation owns directly or indirectly one hundred percent (100%)
21 interest;

22 8. "Intercompany hauling" means the transportation of
23 property, by motor vehicle, for compensation, by a carrier which is
24 a member of a corporate family, as defined in the Motor Carrier Act

1 of 1995, when the transportation for compensation is provided for
2 other members of the corporate family;

3 9. "Private carrier" means any person engaged in transportation
4 upon public highways, of persons or property, or both, but not as a
5 motor carrier, and includes any person who transports property by
6 motor vehicle where such transportation is incidental to or in
7 furtherance of any commercial enterprise of such person, other than
8 transportation;

9 10. "Market" means the point at which livestock and farm
10 products in the raw state were first delivered by the producer of
11 the livestock and farm products in the raw state, upon the sale
12 thereof;

13 11. "Public highway" means every public street, road or
14 highway, or thoroughfare in this state, used by the public, whether
15 actually dedicated to the public and accepted by the proper
16 authorities or otherwise; and

17 12. "Commercial enterprise" means all undertakings entered into
18 for private gain or compensation, including all industrial pursuits,
19 whether the undertakings involve the handling of or dealing in
20 commodities for sale or otherwise.

21 SECTION 35. AMENDATORY 47 O.S. 2011, Section 230.24, is
22 amended to read as follows:
23
24

1 Section 230.24. A. The ~~Corporation Commission~~ Department of
2 Public Safety is hereby vested with power and authority, and it
3 shall be its duty:

4 1. To supervise and regulate every motor carrier whether
5 operating between fixed termini or over a regular route or otherwise
6 and not operating exclusively within the limits of an incorporated
7 city or town in this state and all private carriers operating
8 vehicles having a gross registered weight of greater than 26,000
9 pounds and not operating exclusively within the limits of an
10 incorporated city or town in this state;

11 2. To protect the shipping and general public by supervising
12 and requiring insurance of all motor carriers and private carriers;

13 3. To ensure motor carriers and private carriers are complying
14 with the applicable size and weight laws of this state and safety
15 requirements;

16 4. To establish there will be no detrimental environmental
17 impact; and

18 5. To supervise and regulate motor carriers in all other
19 matters affecting the relationship between such carriers and the
20 traveling and shipping public provided those matters do not exceed
21 federal standards as they apply to this state.

22 B. The ~~Commission~~ Department shall have the power and authority
23 by general order or otherwise to prescribe rules applicable to any
24 or all motor carriers and private carriers as applicable.

1 C. ~~The Commission shall cooperate and coordinate with the~~
2 ~~Oklahoma Department of Public Safety in regulating carrier safety,~~
3 ~~size and weight regulations of motor vehicles and the transportation~~
4 ~~of hazardous materials. The Commission may enter into interagency~~
5 ~~agreements with the Department of Public Safety for the purpose of~~
6 ~~implementing, administering and enforcing any provisions of the~~
7 ~~Oklahoma Motor Carrier Safety and Hazardous Materials Transportation~~
8 ~~Act and the rules and regulations of the Department of Public Safety~~
9 ~~issued pursuant thereto.~~ Any license issued by the ~~Commission~~
10 Department may be suspended or revoked due to operations conducted
11 in violation of any laws or rules and regulations pertaining to
12 motor carriers, private carriers, carrier safety, size and weight
13 regulations of motor vehicles and the transportation of hazardous
14 materials.

15 SECTION 36. AMENDATORY 47 O.S. 2011, Section 230.25, is
16 amended to read as follows:

17 Section 230.25. A. Every motor carrier, subject to the Motor
18 Carrier Act of 1995, receiving property for transportation in
19 intrastate commerce shall issue a receipt or bill of lading
20 therefor, the form of which shall be prescribed by the ~~Commission~~
21 Department.

22 B. Any person, motor carrier, or shipper who shall willfully
23 violate any provisions of the Motor Carrier Act of 1995 by any means
24

1 shall be deemed guilty of a misdemeanor and upon conviction thereof
2 be fined as provided by law.

3 SECTION 37. AMENDATORY 47 O.S. 2011, Section 230.26, is
4 amended to read as follows:

5 Section 230.26. When the ~~Commission~~ Department, upon complaint,
6 has reason to believe that any person, motor carrier, or shipper is
7 violating or has willfully violated any provision of the Motor
8 Carrier Act of 1995, the ~~Commission~~ Department shall, upon its own
9 initiative, file a contempt proceeding and set a date for the
10 proceeding to be heard before the ~~Commission~~ Department, and upon
11 conviction the ~~Commission~~ Department shall invoke such contempt
12 penalties as provided herein.

13 SECTION 38. AMENDATORY 47 O.S. 2011, Section 230.27, is
14 amended to read as follows:

15 Section 230.27. A. Upon the filing by an intrastate motor
16 carrier or private carrier of an application for a license, the
17 applicant shall pay to the ~~Corporation Commission~~ Department of
18 Public Safety a filing fee in the sum of One Hundred Dollars
19 (\$100.00) with an original or subapplication. Any valid license
20 issued will remain in force, unless otherwise revoked by the
21 ~~Commission~~ Department in accordance with the provisions of the Motor
22 Carrier Act of 1995, for one (1) year from date of issuance.

23 B. Every motor carrier or private carrier wishing to continue
24 operations under the original license, shall pay to the ~~Corporation~~

1 ~~Commission~~ Department of Public Safety an annual renewal fee of
2 Fifty Dollars (\$50.00). An intrastate license may be renewed for up
3 to three (3) years.

4 C. The ~~Commission~~ Department shall, upon the receipt of any
5 fee, deposit the same in the State Treasury to the credit of the
6 Trucking One-Stop Shop Fund.

7 SECTION 39. AMENDATORY 47 O.S. 2011, Section 230.28, is
8 amended to read as follows:

9 Section 230.28. A. It shall be unlawful for any motor carrier
10 to operate or furnish service within this state without first having
11 obtained from the ~~Commission~~ Department a license declaring that all
12 insurance requirements have been met and that the carrier will
13 operate within all existing rules and state laws pertaining to
14 safety standards, size and weight requirements and, when applicable,
15 lawful handling and disposal of hazardous materials and deleterious
16 substances, and will operate in such a manner as to ensure there
17 will be no detrimental environmental impact. It shall also be
18 unlawful for any private carrier to operate or furnish service
19 within this state without first having obtained from the ~~Corporation~~
20 ~~Commission~~ Department of Public Safety a license declaring that all
21 insurance requirements have been met and that the carrier will
22 operate within all existing rules and state laws pertaining to
23 safety standards, size and weight requirements and, when applicable,
24 lawful handling and disposal of hazardous materials and deleterious

1 substances, and will operate in such a manner as to ensure there
2 will be no detrimental environmental impact. The ~~Commission~~
3 Department shall have power, and it shall be its duty, to issue the
4 license or set the application for hearing within thirty (30) days
5 of the ~~Commission~~ Department determining that the application is
6 complete. Any such hearing shall be scheduled to occur on a date
7 within an additional forty-five (45) business days of such
8 determination. The mere filing of an application does not authorize
9 any person to operate as a carrier.

10 B. In granting applications for licenses, the ~~Commission~~
11 Department shall take into consideration the reliability of the
12 applicant; the proper equipment meeting minimum safety criteria as
13 adequate to perform the service; and the applicant's sense of
14 responsibility toward the public and the environment.

15 C. The ~~Commission~~ Department may, at any time after a public
16 hearing and for good cause, suspend or revoke any license.
17 Provided, the record owner of the license shall be entitled to have
18 ten (10) days' written notice by certified mail from the ~~Commission~~
19 Department of any hearing affecting the license, except as otherwise
20 provided in the Motor Carrier Act of 1995. The right of appeal from
21 such order or orders shall be given as in other cases appealed from
22 orders of the ~~Commission~~ Department.

23 D. The ~~Commission~~ Department shall be authorized to exercise
24 any additional power that may from time to time be conferred upon

1 the state by any Act of Congress. The ~~Commission~~ Department shall
2 adopt rules prescribing the manner and form in which motor carriers
3 and private carriers shall apply for licenses required by the Motor
4 Carrier Act of 1995. Among other rules adopted, the application
5 shall be in writing and shall set forth the following facts:

6 1. The name and address of the applicant and the names and
7 addresses of its officers, if any;

8 2. Full information concerning the physical properties of the
9 applicant; and

10 3. Such other information as the ~~Commission~~ Department may
11 consider pertinent to the application.

12 SECTION 40. AMENDATORY 47 O.S. 2011, Section 230.29, is
13 amended to read as follows:

14 Section 230.29. A. As used in this section:

15 1. "Authorized carrier" means a person or persons authorized to
16 engage in the transportation of passengers or property as a licensed
17 motor carrier;

18 2. "Equipment" means a motor vehicle, straight truck, tractor,
19 semitrailer, full trailer, any combination of these and any other
20 type of equipment used by authorized carriers in the transportation
21 of passengers or property for hire;

22 3. "Owner" means a person to whom title to equipment has been
23 issued, or who, without title, has the right to exclusive use of
24 equipment for a period longer than thirty (30) days;

1 4. "Lease" means a contract or arrangement in which the owner
2 grants the use of equipment, with or without driver, for a specified
3 period to an authorized carrier for use in the regulated
4 transportation of passengers or property, in exchange for
5 compensation;

6 5. "Lessor", in a lease, means the party granting the use of
7 equipment, with or without driver, to another;

8 6. "Lessee", in a lease, means the party acquiring the use of
9 equipment, with or without driver, from another;

10 7. "Addendum" means a supplement to an existing lease which is
11 not effective until signed by the lessor and lessee; and

12 8. "Shipper" means a person who sends or receives passengers or
13 property which is transported in intrastate commerce in this state.

14 B. An authorized carrier may perform authorized transportation
15 in equipment it does not own only under the following conditions:

16 1. There shall be a written lease granting the use of the
17 equipment and meeting the requirements as set forth in subsection C
18 of this section;

19 2. The authorized carrier acquiring the use of equipment under
20 this section shall identify the equipment in accordance with the
21 requirements of the ~~Commission~~ Department; and

22 3. Upon termination of the lease, the authorized carrier shall
23 remove all identification showing it as the operating carrier before
24 giving up possession of the equipment.

1 C. The written lease required pursuant to subsection B of this
2 section shall contain the following provisions. The required lease
3 provisions shall be adhered to and performed by the authorized
4 carrier as follows:

5 1. The lease shall be made between the authorized carrier and
6 the owner of the equipment. The lease shall be signed by these
7 parties or by their authorized representatives;

8 2. The lease shall specify the time and date or the
9 circumstances on which the lease begins and ends and include a
10 description of the equipment which shall be identified by vehicle
11 serial number, make, year model and current license plate number;

12 3. The period for which the lease applies shall be for thirty
13 (30) days or more when the equipment is to be operated for the
14 authorized carrier by the owner or an employee of the owner;

15 4. The lease shall provide that the authorized carrier lessee
16 shall have exclusive possession, control and use of the equipment
17 for the duration of the lease. The lease shall further provide that
18 the authorized carrier lessee shall assume complete responsibility
19 for the operation of the equipment for the duration of the lease;

20 5. The amount to be paid by the authorized carrier for
21 equipment and driver's services shall be clearly stated on the face
22 of the lease or in an addendum which is attached to the lease;

23 6. The lease shall clearly specify the responsibility of each
24 party with respect to the cost of fuel, fuel taxes, empty mileage,

1 permits of all types, tolls, detention and accessorial services,
2 base plates and licenses, and any unused portions of such items.
3 Except when the violation results from the acts or omissions of the
4 lessor, the authorized carrier lessee shall assume the risks and
5 costs of fines for overweight and oversize trailers when the
6 trailers are preloaded, sealed, or the load is containerized, or
7 when the trailer or lading is otherwise outside of the lessor's
8 control, and for improperly permitted overdimension and overweight
9 loads and shall reimburse the lessor for any fines paid by the
10 lessor. If the authorized carrier is authorized to receive a refund
11 or a credit for base plates purchased by the lessor from, and issued
12 in the name of, the authorized carrier, or if the base plates are
13 authorized to be sold by the authorized carrier to another lessor
14 the authorized carrier shall refund to the initial lessor on whose
15 behalf the base plate was first obtained a prorated share of the
16 amount received;

17 7. The lease shall specify that payment to the lessor shall be
18 made by the authorized carrier within fifteen (15) days after
19 submission of the necessary delivery documents and other paperwork
20 concerning a trip in the service of the authorized carrier. The
21 paperwork required before the lessor can receive payment is limited
22 to those documents necessary for the authorized carrier to secure
23 payment from the shipper. The authorized carrier may require the
24

1 submission of additional documents by the lessor but not as a
2 prerequisite to payment;

3 8. The lease shall clearly specify the right of the lessor,
4 regardless of method of compensation, to examine copies of the
5 documentation of the carrier upon which charges are assessed;

6 9. The lease shall clearly specify all items that may be
7 initially paid for by the authorized carrier, but ultimately
8 deducted from the compensation of the lessor at the time of payment
9 or settlement together with a recitation as to how the amount of
10 each item is to be computed. The lessor shall be afforded copies of
11 those documents which are necessary to determine the validity of the
12 charge;

13 10. The lease shall specify that the lessor is not required to
14 purchase or rent any products, equipment, or services from the
15 authorized carrier as a condition of entering into the lease
16 arrangement;

17 11. As it relates to insurance:

18 a. the lease shall clearly specify the legal obligation
19 of the authorized carrier to maintain insurance
20 coverage for the protection of the public, and

21 b. the lease shall clearly specify the conditions under
22 which deductions for cargo or property damage may be
23 made from the lessor's settlements. The lease shall
24 further specify that the authorized carrier must

1 provide the lessor with a written explanation and
2 itemization of any deductions for cargo or property
3 damage made from any compensation of money owed to the
4 lessor. The written explanation and itemization must
5 be delivered to the lessor before any deductions are
6 made; and

7 12. An original and two copies of each lease shall be signed by
8 the parties. The authorized carrier shall keep the original and
9 shall place a copy of the lease in the equipment during the period
10 of the lease. The owner of the equipment shall keep the other copy
11 of the lease.

12 D. The provisions of this section shall apply to the leasing of
13 equipment with which to perform transportation regulated by the
14 ~~Corporation Commission~~ Department of Public Safety by motor carriers
15 holding a license from the ~~Commission~~ Department to transport
16 passengers or property.

17 SECTION 41. AMENDATORY 47 O.S. 2011, Section 230.30, is
18 amended to read as follows:

19 Section 230.30. A. No license shall be issued by the
20 ~~Commission~~ Department to any carrier until after the carrier shall
21 have filed with the ~~Commission~~ Department a liability insurance
22 policy or bond covering public liability and property damage, issued
23 by some insurance or bonding company or insurance carrier authorized
24 pursuant to this section and which has complied with all of the

1 requirements of the ~~Commission~~ Department, which bond or policy
2 shall be approved by the ~~Commission~~ Department, and shall be in a
3 sum and amount as fixed by a proper order of the ~~Commission~~
4 Department; and the liability and property damage insurance policy
5 or bond shall bind the obligor thereunder to make compensation for
6 injuries to, or death of, persons, and loss or damage to property,
7 resulting from the operation of any carrier for which the carrier is
8 legally liable. A copy of the policy or bond shall be filed with
9 the ~~Commission~~ Department, and, after judgment against the carrier
10 for any damage, the injured party may maintain an action upon the
11 policy or bond to recover the same, and shall be a proper party to
12 maintain such action.

13 B. Every motor carrier shall file with the ~~Commission~~
14 Department a cargo insurance policy or bond covering any goods or
15 property being transported, issued by some insurance or bonding
16 company or insurance carrier authorized as set forth below, and
17 which has complied with all of the requirements of the ~~Commission~~
18 Department, which bond or policy shall be approved by the ~~Commission~~
19 Department, and shall be in a sum and amount as fixed by a proper
20 order of the ~~Commission~~ Department. The cargo insurance must be
21 filed with the ~~Commission~~ Department prior to a license being issued
22 by the ~~Commission~~ Department, unless the motor carrier has been
23 exempted from this requirement.

24

1 Intrastate motor carriers of sand, rock, gravel, asphaltic
2 mixtures or other similar road building materials shall not be
3 required to file cargo insurance and shall be required to maintain
4 liability insurance limits of Three Hundred Fifty Thousand Dollars
5 (\$350,000.00) combined single limit.

6 No carrier, whose principal place of business is in Oklahoma,
7 shall conduct any operations in this state unless the operations are
8 covered by a valid primary bond or insurance policy issued by a
9 provider authorized or approved by the State Insurance Commissioner.
10 No carrier shall conduct any operations in this state unless the
11 operations are covered by a valid bond or insurance policy issued by
12 a provider authorized and approved by a National Association of
13 Insurance Commissioners and certified by the State Insurance
14 Commission.

15 C. Each carrier shall maintain on file, in full force, all
16 insurance required by the laws of this state and the rules of the
17 ~~Commission~~ Department during the operation of the carrier and that
18 the failure for any cause to maintain the coverage in full force and
19 effect shall immediately, without any notice from the ~~Commission~~
20 Department, suspend the rights of the carrier to operate until
21 proper insurance is provided. Any carrier suspended for failure to
22 maintain proper insurance shall have a reasonable time, not
23 exceeding sixty (60) days, to have its license reactivated, and to
24 provide proper insurance upon showing:

1 1. No operation during the period in which it did not have
2 insurance; and

3 2. Furnishing of proper insurance coverage.

4 D. Any carrier who fails to reactivate its license within sixty
5 (60) days after the suspension, as above provided, shall have the
6 license canceled, by operation of law, without any notice from the
7 ~~Commission~~ Department. No license so canceled shall be reinstated
8 or otherwise made operative except that the ~~Commission~~ Department
9 may reinstate the license of a carrier upon proper showing that the
10 carrier was actually covered by proper insurance during the
11 suspension or cancellation period, and that failure to file with the
12 ~~Commission~~ Department was not due to the negligence of the carrier.
13 Any carrier desiring to file for reinstatement of its license shall
14 do so within ninety (90) days of its cancellation by law.

15 E. The ~~Commission~~ Department shall, in its discretion, permit
16 the filing of certificates of insurance coverage or such form as may
17 be prescribed by the ~~Commission~~ Department, in lieu of copies of
18 insurance policies or bonds, with the proviso that if the
19 certificates are authorized the insurance company or carrier so
20 filing it, upon request of the ~~Commission~~ Department, will, at any
21 time, furnish an authenticated copy of the policy which the
22 certificate represents, and further provided that thirty (30) days
23 prior to effective cancellation or termination of the policy of
24 insurance for any cause, the insurer shall so notify the ~~Commission~~

1 Department in writing of the facts or as deemed necessary by the
2 ~~Commission~~ Department.

3 SECTION 42. AMENDATORY 47 O.S. 2011, Section 230.31, is
4 amended to read as follows:

5 Section 230.31. A. Nothing contained in the Motor Carrier Act
6 of 1995 shall be construed to authorize the operation of any
7 passenger or freight vehicle in excess of the gross weight, width,
8 length or height authorized by law.

9 B. Any person who willfully advertises to perform
10 transportation services for which the person does not hold a license
11 shall be in violation of the Motor Carrier Act of 1995 and subject
12 to the penalties prescribed for contempt of the ~~Commission~~
13 Department.

14 C. All licenses issued by the ~~Commission~~ Department under any
15 law of the state relating to motor carriers or private carriers
16 shall contain the provision that the ~~Commission~~ Department reserves
17 to itself authority to suspend or cancel any such license for the
18 violation, on the part of the applicant or any operator or operators
19 of any motor vehicle to be operated thereunder, of any law of this
20 state or any rule adopted by the ~~Commission~~ Department.

21 D. Licenses shall be considered personal to the holder of the
22 license and shall be issued only to some definite legal entity
23 operating motor vehicles as a motor carrier or private carrier, and
24 shall not be subject to lease, nor shall the holder of the license

1 sublet or permit the exercise, by another, of the rights or
2 privileges granted under the license.

3 SECTION 43. AMENDATORY 47 O.S. 2011, Section 230.32, is
4 amended to read as follows:

5 Section 230.32. The ~~Commission~~ Department shall have the power
6 and authority by general order or otherwise to promulgate rules and
7 regulations for the administration and enforcement of the provisions
8 of the Motor Carrier Act of 1995.

9 SECTION 44. AMENDATORY 47 O.S. 2011, Section 1166, is
10 amended to read as follows:

11 Section 1166. A. Effective ~~July 1, 2004~~ January 1, 2018, all
12 powers, duties and responsibilities exercised by the Motor Vehicle
13 Enforcement Section shall be transferred from the ~~Oklahoma Tax~~
14 Corporation Commission to the ~~Corporation Commission~~ Department of
15 Public Safety. Beginning ~~July 1, 2004~~ January 1, 2018, and
16 ~~effective July 1, 2005~~, all powers, duties and responsibilities
17 exercised by the International Registration Plan Section and the
18 International Fuel Tax Agreement Section shall be transferred from
19 the ~~Tax Commission to the Corporation Commission~~ to the Department
20 of Public Safety. All records, property and matters pending of the
21 sections shall be transferred to the ~~Corporation Commission~~
22 Department of Public Safety. Funds sufficient to administer the
23 powers, duties and responsibilities exercised by these sections
24 shall be appropriated or allocated to the ~~Corporation Commission~~

1 Department of Public Safety for fiscal year ~~2005~~ 2018 as provided
2 herein. However, any such funds acquired by the Corporation
3 Commission through any grant shall be retained by the Commission and
4 any programs associated with any grant shall be completed by June 1,
5 2017. The Commission shall also be responsible for any potential
6 claims made on such funds. Such funds appropriated or allocated to
7 the ~~Corporation Commission~~ Department of Public Safety shall not be
8 subject to budgetary limitations. ~~The Director of State Finance is~~
9 ~~hereby authorized to transfer such funds as may be necessary to~~
10 ~~effect such allocations.~~

11 B. ~~The period of July 1, 2004, through June 30, 2005, shall be~~
12 ~~a transitional period in which the Corporation Commission shall~~
13 ~~gradually assume complete administration and management over the~~
14 ~~powers, duties, responsibilities and staff currently carrying out~~
15 ~~the administration of the International Registration Plan Section~~
16 ~~and the International Fuel Tax Agreement Section. During this~~
17 ~~transition period, the employees assigned to the International~~
18 ~~Registration Plan Section and the International Fuel Tax Agreement~~
19 ~~Section shall continue to be employees of the Tax Commission unless~~
20 ~~otherwise agreed to by the Tax Commission and the Corporation~~
21 ~~Commission.~~ Effective ~~July 1, 2005~~ January 1, 2018, the
22 International Registration Plan Section and the International Fuel
23 Tax Agreement Section shall be administered solely by the
24 ~~Corporation Commission~~ Department of Public Safety. ~~For the period~~

1 ~~of July 1, 2004, through June 30, 2005, the Corporation Commission~~
2 ~~and the Tax Commission shall enter into a contract whereby funds~~
3 ~~shall be paid to the Tax Commission by the Corporation Commission in~~
4 ~~exchange for the Tax Commission's agreement to continue to operate~~
5 ~~the International Registration Plan Section and the International~~
6 ~~Fuel Tax Agreement Section.~~

7 C. The powers, duties and responsibilities exercised by the
8 Motor Vehicle Enforcement Section of the ~~Tax Commission~~ Corporation
9 Commission shall be fully transferred to the ~~Corporation Commission~~
10 Department of Public Safety on ~~July 1, 2004~~ January 1, 2018.

11 D. All employees of the ~~Tax Commission~~ Corporation Commission
12 whose duties are transferred under this ~~act~~ section shall be
13 transferred to the ~~Corporation Commission~~ Department of Public
14 Safety. Personnel transferred pursuant to the provisions of this
15 section shall not be required to accept a lesser salary than
16 presently received; provided, the provisions of this section shall
17 not operate to prohibit the ~~Corporation Commission~~ Department of
18 Public Safety or the ~~Tax Commission~~ Corporation Commission from
19 imposing furloughs or reductions-in-force with respect to such
20 personnel as allowed by law. Personnel transferred shall be placed
21 within the classification level in which they meet qualifications
22 without an entrance exam. All such persons shall retain seniority,
23 leave, sick and annual time earned and any retirement benefits which
24 have accrued during their tenure with the ~~Tax Commission~~ Corporation

1 Commission. The transfer of personnel among the agencies shall be
2 coordinated with the ~~Office of Personnel Management~~ Office of
3 Management and Enterprise Services.

4 E. Effective ~~July 1, 2004~~ January 1, 2018, any administrative
5 rules promulgated by the ~~Tax Commission~~ Corporation Commission
6 related to the administration of the International Registration Plan
7 authorized by Section 1120 of Title 47 of the Oklahoma Statutes, the
8 International Fuel Tax Agreement authorized by Section 607 of Title
9 68 of the Oklahoma Statutes, or the enforcement of Section 1115.1 of
10 Title 47 of the Oklahoma Statutes shall be transferred to and become
11 a part of the administrative rules of the ~~Corporation Commission~~
12 Department of Public Safety. The Office of Administrative Rules in
13 the Secretary of State's office shall provide adequate notice in the
14 Oklahoma Register of the transfer of rules, and shall place the
15 transferred rules under the Administrative Code section of the
16 ~~Corporation Commission~~ Department of Public Safety. From and after
17 July 1, 2004, any amendment, repeal or addition to the transferred
18 rules shall be under the jurisdiction of the ~~Corporation Commission~~
19 Department of Public Safety. All documents issued by the sections
20 transferred to the ~~Corporation Commission~~ Department of Public
21 Safety, including, but not limited to, vehicle registrations and
22 permits, shall be deemed to have been issued by the ~~Corporation~~
23 ~~Commission~~ Department of Public Safety.

1 F. ~~The Corporation Commission~~ Department of Public Safety may
2 promulgate rules necessary for the utilization of motor license
3 agents in the registration of vehicles pursuant to Section 1120 of
4 ~~Title 47 of the Oklahoma Statutes~~ this title.

5 SECTION 45. AMENDATORY 47 O.S. 2011, Section 1167, as
6 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
7 2016, Section 1167), is amended to read as follows:

8 Section 1167. A. ~~The Corporation Commission~~ Department of
9 Public Safety is hereby authorized to promulgate rules pursuant to
10 the Administrative Procedures Act to establish the amounts of fees,
11 fines and penalties as set forth in Section 1166 et seq. of this
12 title. ~~The Corporation Commission~~ Department of Public Safety shall
13 notify all interested parties of any proposed rules to be
14 promulgated as provided herein and shall provide such parties an
15 opportunity to be heard prior to promulgation.

16 B. ~~The Corporation Commission~~ Department of Public Safety shall
17 adjudicate enforcement actions initiated by ~~Corporation Commission~~
18 Department of Public Safety personnel.

19 C. Revenue derived from all fines and penalties collected or
20 received by the ~~Corporation Commission~~ Department of Public Safety
21 pursuant to the provisions of the Trucking One-Stop Shop Act shall
22 be apportioned ~~as follows:~~

23 1. ~~For~~ for the period beginning August 23, 2013, the first
24 ~~Three Hundred Thousand Dollars (\$300,000.00) collected or received~~

1 ~~each fiscal year shall be remitted to the Department of Public~~
2 ~~Safety for the purpose of staffing the port of entry weigh stations~~
3 ~~to conduct safety inspections. The next~~ Five Hundred Fifty Thousand
4 Dollars (\$550,000.00) shall be remitted to the Oklahoma Tax
5 Commission and apportioned as provided in Section 1104 of this
6 title; ~~and.~~

7 2. The remaining amount shall be deposited to the Trucking One-
8 Stop Shop Fund created in subsection D of this section.

9 D. There is hereby created in the State Treasury a revolving
10 fund for the ~~Corporation Commission~~ Department of Public Safety to
11 be known and designated as the "Trucking One-Stop Shop Fund". The
12 Trucking One-Stop Shop Fund shall consist of:

13 1. All funds apportioned thereto in subsection C of this
14 section;

15 2. Fees collected by the ~~Commission~~ Department to be retained
16 as a motor license agent or other ~~Corporation Commission~~ Department
17 of Public Safety registration or motor fuel fees as allowed by
18 statute or rule; and

19 3. Any other monies to be utilized for the Trucking One-Stop
20 Shop Act.

21 The fund shall be a continuing fund, not subject to fiscal year
22 limitations, and shall not be subject to legislative appropriation.
23 Monies in the Trucking One-Stop Shop Fund shall only be expended for
24 direct expenses relating to the Trucking One-Stop Shop Act.

1 Expenditures from the revolving fund shall be made pursuant to the
2 laws of this state. In addition, expenditures from the revolving
3 fund may be made pursuant to The Oklahoma Central Purchasing Act for
4 the purpose of immediately responding to emergency situations,
5 within the ~~Commission's~~ Department's jurisdiction, having
6 potentially critical environmental or public safety impact.
7 Warrants for expenditures from the fund shall be drawn by the State
8 Treasurer against claims filed as prescribed by law with the
9 Director of the Office of Management and Enterprise Services for
10 approval and payment.

11 E. There is hereby created in the State Treasury a revolving
12 fund for the Department of Transportation to be designated the
13 "Weigh Station Improvement Revolving Fund". The fund shall be a
14 continuing fund, not subject to fiscal year limitations, and shall
15 consist of all monies deposited thereto. All monies accruing to the
16 credit of the fund are hereby appropriated and may be budgeted and
17 expended by the Department for the purpose of constructing,
18 equipping and maintaining facilities to determine the weight of
19 vehicles traveling on the roads and highways of this state.
20 Expenditures from the fund shall be made upon warrants issued by the
21 State Treasurer against claims filed as prescribed by law with the
22 Director of the Office of Management and Enterprise Services for
23 approval and payment.

1 SECTION 46. AMENDATORY 47 O.S. 2011, Section 1168, as
2 amended by Section 205, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
3 2016, Section 1168), is amended to read as follows:

4 Section 1168. All facilities and equipment under the
5 administrative control of the Oklahoma Tax Commission and used for
6 determining the weight of vehicles operated on the roads or highways
7 of this state are hereby transferred to the Department of
8 Transportation. Any funds appropriated to or any powers, duties and
9 responsibilities exercised by the Tax Commission for such purpose
10 shall be transferred to the Department. The Director of the Office
11 of Management and Enterprise Services is hereby authorized to
12 transfer such funds as may be necessary. The Department is hereby
13 authorized to enter into an agreement with the ~~Corporation~~
14 ~~Commission~~ Department of Public Safety to operate such facilities or
15 equipment. The provisions of this section shall not be construed to
16 obligate the Department to incur expenses in connection with the
17 administration of such facilities and equipment in an amount which
18 exceeds deposits to the Weigh Station Improvement Revolving Fund.

19 SECTION 47. AMENDATORY 47 O.S. 2011, Section 1169, is
20 amended to read as follows:

21 Section 1169. A. The ~~Corporation-Commission~~ Department of
22 Public Safety is authorized to revoke, suspend or deny the issuance,
23 extension or reinstatement of any ~~Corporation-Commission~~ Department
24 of Public Safety issued motor carrier or commercial motor vehicle

1 license, permit, registration, certificate or duplicate copy thereof
2 issued pursuant to the jurisdiction of the ~~Corporation Commission~~
3 Department of Public Safety, to any person who shall be guilty of:

4 1. Violation of any of the provisions of applicable state law;

5 2. Violation of rules promulgated by the ~~Corporation Commission~~
6 Department of Public Safety;

7 3. Failure to observe or fulfill the conditions upon which the
8 license, permit, registration or certificate was issued;

9 4. Nonpayment of any delinquent tax, fee or penalty to the
10 ~~Commission~~ Department or the State of Oklahoma; or

11 5. Nonpayment of a uniform base state program delinquent tax,
12 fee or penalty to a state or province participating with the
13 ~~Corporation Commission~~ Department of Public Safety in that program.

14 B. The interest or penalty or any portion thereof ordinarily
15 accruing by failure of the motor carrier, registrant or licensee to
16 properly file a report or return may be waived or reduced by the
17 ~~Corporation Commission~~ Department of Public Safety. No interest or
18 penalties in excess of Ten Thousand Dollars (\$10,000.00) shall be
19 allowed except by order of the ~~Commission~~ Department.

20 C. The ~~Corporation Commission~~ Department of Public Safety shall
21 promulgate rules setting forth the revocation, suspension or denial
22 of a motor carrier or commercial motor vehicle certificate,
23 registration, license or permit issued pursuant to the jurisdiction
24 of the ~~Corporation Commission~~ Department of Public Safety. The

1 ~~Corporation Commission~~ Department of Public Safety shall
2 additionally promulgate rules allowing for the collection and
3 remittance of financial liabilities owed by a motor carrier,
4 registrant, licensee or permittee to a state or province
5 participating with the ~~Corporation Commission~~ Department of Public
6 Safety in a uniform base state program or to another state agency.

7 D. Upon the revocation or expiration of any motor carrier or
8 commercial motor vehicle license, permit, registration or
9 certificate issued pursuant to the jurisdiction of the ~~Corporation~~
10 ~~Commission~~ Department of Public Safety, all accrued taxes, fees and
11 penalties due and payable under the terms of state law, rules or
12 order imposing or levying such tax, fee or penalty shall become due
13 and payable concurrently upon the revocation or expiration of the
14 license, permit, registration or certificate and the licensee,
15 permittee, registrant or certificate holder shall forthwith make a
16 report covering the period of time not covered by preceding reports
17 filed by said person and ending with the date of the revocation or
18 expiration and shall pay all such taxes, fees or penalties owed.

19 E. No person shall knowingly, or intentionally, present an
20 altered or fraudulent credential or document to the ~~Corporation~~
21 ~~Commission~~ Department of Public Safety or to any duly authorized
22 peace officer. Any person or persons violating the provisions of
23 this subsection shall be found guilty of contempt of the ~~Commission~~
24

1 Department and shall, upon conviction thereof, be punished by a fine
2 of not more than Two Thousand Dollars (\$2,000.00) for each offense.

3 SECTION 48. AMENDATORY Section 2, Chapter 262, O.S.L.
4 2012 (47 O.S. Supp. 2016, Section 1201), is amended to read as
5 follows:

6 Section 1201. As used in the Oklahoma Weigh Station Act of
7 2012:

8 1. "Authority" means the Oklahoma Turnpike Authority;

9 2. ~~"Commission"~~ "Department" means the ~~Corporation Commission~~
10 Department of Public Safety;

11 3. "Fixed facility" means a weigh station or a port of entry;

12 4. "Port of entry" means a facility, in close proximity to a
13 state line, designed to electronically weigh and screen motor
14 carriers and commercial motor vehicles for compliance with federal
15 and state statutes and rules, allowing compliant carriers to proceed
16 with minimal or no delay;

17 5. "Roadside enforcement" means a temporary location, with or
18 without portable or semi-portable scales, used to randomly check
19 commercial motor vehicles or motor carriers for compliance with
20 federal or state statutes or rules;

21 6. "Weigh station" means a stationary and permanent weighing
22 facility with fixed scales owned by the state where commercial motor
23 vehicles are checked for compliance with weight and size standards.
24 Weigh stations are also utilized to enforce federal and state laws

1 and rules applicable to motor carriers and the operation of
2 commercial motor vehicles and their drivers; and

3 7. "North American Standard Inspection" means a Level I, Level
4 II, Level III, Hazardous Materials, Cargo Tank or Passenger Carrier
5 inspection conducted by an individual certified by the Federal Motor
6 Carrier Safety Administration to conduct such inspections.

7 SECTION 49. AMENDATORY Section 3, Chapter 262, O.S.L.
8 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47
9 O.S. Supp. 2016, Section 1202), is amended to read as follows:

10 Section 1202. A. The Department of Transportation, the
11 Oklahoma Turnpike Authority and the ~~Corporation Commission~~
12 Department of Public Safety may enter into interagency agreements
13 concerning the equipment, maintenance and operations of fixed
14 facilities.

15 B. The Department of Transportation, the Authority and the
16 ~~Commission~~ Department shall endeavor to electronically upgrade weigh
17 stations as practical to minimize the duplication of inspections for
18 compliant commercial motor vehicles and motor carriers.

19 C. The ~~Commission~~ Department shall operate all current and
20 future ports of entry weigh stations eighteen (18) to twenty (20)
21 hours a day and seven (7) days a week upon the availability of
22 funds.

23 D. ~~The Commission shall continue to conduct roadside~~
24 ~~enforcement in the general area where a fixed facility is planned~~

1 ~~but no fixed facility currently exists until a fixed facility is~~
2 ~~located in the general area or July 1, 2016, whichever is earlier.~~

3 ~~E. When a fixed facility is located in the general area,~~
4 ~~Commission motor carrier and commercial motor vehicle enforcement~~
5 ~~shall be limited to the fixed facility and a radius surrounding the~~
6 ~~facility. If the fixed facility is a weigh station as defined in~~
7 ~~Section 1201 of this title, the applicable radius shall be seven (7)~~
8 ~~miles. If the fixed facility is a port of entry weigh station as~~
9 ~~defined in Section 1201 of this title, the applicable radius shall~~
10 ~~be twenty-five (25) miles.~~

11 ~~F. The Commission may assist in roadside enforcement in a joint~~
12 ~~effort at the request of the Oklahoma Highway Patrol.~~

13 ~~G. The Commission is authorized to conduct audits, reviews,~~
14 ~~investigations, inspections or other enforcement actions by~~
15 ~~enforcement officers provided those activities are within the scope~~
16 ~~of the Commission's jurisdiction and are not conducted as roadside~~
17 ~~enforcement in accordance with the provisions of the Oklahoma Weigh~~
18 ~~Station Act of 2012.~~

19 ~~H. The Commission~~ Department ~~may enter into interagency~~
20 ~~cooperative agreements with other state or federal agencies to~~
21 ~~jointly enforce federal and state laws or rules.~~

22 ~~I. E.~~ E. North American Standard Inspections shall be conducted
23 only by individuals holding certification in the level or
24 classification of inspection being conducted.

SECTION 50. AMENDATORY Section 4, Chapter 262, O.S.L.
2012 (47 O.S. Supp. 2016, Section 1203), is amended to read as
follows:

Section 1203. A. A commercial motor vehicle, its driver or a
motor carrier may not be cited for the same violation of motor
carrier or commercial motor vehicle requirements on the same date by
any Oklahoma officer, provided neither the vehicle configuration nor
the load have changed. This subsection is not applicable to a
Commercial Vehicle Safety Alliance out-of-service violation.

B. ~~The Corporation Commission and the~~ Department of Public
Safety or other state or local agencies may enter into interagency
agreements to share information electronically to facilitate this
section.

~~SECTION 51. This act shall become effective July 1, 2017.~~

~~SECTION 52. It being immediately necessary for the preservation
of the public peace, health or safety, an emergency is hereby
declared to exist, by reason whereof this act shall take effect and
be in full force from and after its passage and approval.~~

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
04/19/2017 - DO PASS, As Amended.